

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

STEVEN FOWLER, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

CANON BUSINESS PROCESS SERVICES, INC.
and GENERAL ELECTRIC COMPANY,

Defendants.

Civil Action No.: 1:20-cv-02903-KPF

MAHER BAZ, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

GENERAL ELECTRIC COMPANY and CANON
BUSINESS PROCESS SERVICES, INC.

Defendants.

Civil Action No.: 1:20-cv-03149
(Related Case)

STIPULATION TO CONSOLIDATE ACTIONS AND SET SCHEDULING DEADLINES

Pursuant to Rule 42 of the Federal Rules of Civil Procedure and Rule 13 of the Rules for the Division of Business Among District Judges (Southern District) of the Local Rules of the District Courts for the Southern and Eastern Districts of New York (“Local Rule 13”), the below referenced parties stipulate and represent as follows:

WHEREAS, there are two (2) related proposed class actions pending in the United States District Court for the Southern District of New York against Canon Business Process Services,

Inc. (“CBPS”) and General Electric Company (“GE”) (collectively, “Defendants”): *Steven Fowler v. Canon Business Process Services, Inc.* et al., No. 1:20-cv-02903-KPF (“*Fowler*”), filed April 8, 2020 and pending before the Honorable Katherine Polk Failla; and *Maher Baz v. Canon Business Process Services, Inc.* et al., No. 1:20-cv-03149 (“*Baz*”), filed April 20, 2020 and also pending before the Honorable Katherine Polk Failla (“Related Actions”);

WHEREAS, Plaintiffs in the Related Actions (“Plaintiffs”) allege that a data breach occurred at CBPS, which they further allege held in its possession the personally identifiable information (“PII”) of GE’s employees, former employees, and other beneficiaries entitled to benefits from GE (the alleged “Data Breach”), including that of the Plaintiffs. Plaintiffs seek damages and equitable relief arising out of the Data Breach.

WHEREAS, Plaintiffs agree that consolidation is appropriate under Federal Rule of Civil Procedure 42(a) because the Related Actions involve common questions of law or fact, specifically, the cases name the same defendants, arise from the same events and assert overlapping claims and putative classes;

WHEREAS, Plaintiffs agree that Defendants’ lack of objection to procedural consolidation of the Related Actions in this Court is without prejudice to either or both of Defendants’ rights, remedies, defenses, objections, or legal arguments;

WHEREAS, Plaintiffs agree not to argue that by entering into this stipulation or acting in conformance with its terms, either or both Defendants have in any way waived or acted in any way inconsistent with any right, remedy, defense, objection or legal argument;

WHEREAS, subject to the provisions described above, Defendants do not oppose procedural consolidation of the Related Actions under Fed. R. Civ. Proc. 42(a) and Local Rule 13,

while expressly reserving each and all of their rights, remedies, defenses, objections, and legal arguments;

WHEREAS, Plaintiffs and Defendants (collectively, “the Parties”) have met and conferred, and given Plaintiffs’ expressed intent to file a Consolidated Complaint and stated desire to assert claims under the laws of multiple states, the parties agree to the briefing schedule and expanded page limitations outlined below with respect to Defendants’ response to the forthcoming Consolidated Complaint;

NOW THEREFORE, the Parties through their respective counsel and subject to the Court’s approval hereby stipulate that:

1. The *Fowler* and *Baz* actions currently pending in this District, and any other action arising out of the same or similar operative facts now pending or hereafter filed in, removed to, or transferred to this District shall be consolidated for pre-trial purposes pursuant to Fed. R. Civ. P. 42(a) before the Honorable Katherine Polk Failla (hereafter the “Consolidated Action”).

2. All papers filed in the Consolidated Action shall be filed under Case No. 1:20-cv-02903-KPF, the number assigned to the first-filed case, and shall bear the following caption:

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

*IN RE: GE/CBPS DATA BREACH
LITIGATION*

Master File No. 1:20-cv-02903-KPF

This Document Relates To:

3. The case file for the Consolidated Action will be maintained under Master File No.: 1:20-cv-02903-KPF. When a pleading is intended to apply to all actions to which this Order applies, the words “All Actions” shall appear immediately after the words “This Document Relates To:” in the caption described above. When a pleading is not intended to apply to all actions, the docket number for each individual action to which the paper is intended to apply and the last name of the first-named plaintiff in said action shall appear immediately after the words “This Document Relates To:” in the caption identified above, e.g., “1:20-cv-02903-KPF (Fowler)”

4. Any action subsequently filed in, transferred to or removed to this Court that arises out of the same or similar operative facts as the Consolidated Action shall be consolidated with the Consolidated Action for pre-trial purposes. The parties shall file a Notice of Related Action pursuant to Local Rule 13 whenever a case that should be consolidated into this action is filed in, transferred to, or removed to this District.

5. If the Court determines that the case is related, the clerk shall:

- a. Place a copy of this Order in the separate file for such action;
- b. Serve on Plaintiffs’ counsel in the new case a copy of this Order;
- c. Direct that this Order be served upon defendants in the new case; and
- d. Make appropriate entry in the Master Docket.

6. Any attorney who has filed an action in this litigation may file an application for appointment as interim class counsel or other designated counsel either individually or as part of a proposed leadership structure. All applications shall be limited to 15 pages and must be e-filed in the Master File No. 1:20-cv-02903-KPF, no later than 5:00 p.m. Eastern Time within three (3) business days after the date this Stipulation is approved. A response of no more than five (5) pages

shall be allowed and must be filed no later than 5:00 p.m. Eastern Time within two weeks after the date this Stipulation is approved. The Court may hold a hearing on the applications or appoint interim counsel or other designated counsel based on timely written submissions only;

7. Plaintiffs shall file a Consolidated Complaint no later than sixty (60) days following the entry of an order appointing interim class counsel or other designated counsel.

8. Any response to the Consolidated Complaint shall be due within sixty (60) days from the filing of the Consolidated Complaint. Should Defendants intend to file a motion to dismiss, the Parties will comply with Rule 4A of the Court's Individual Rules of Practice in Civil Cases. To the extent Defendants file a motion to dismiss, the memorandum in support of that motion shall be limited to fifty (50) pages with the following briefing schedule;

(a) Any opposition thereto will be due within sixty (60) days of the filing of such response(s) and shall be limited to fifty (50) pages;

(b) Any reply brief will be due within forty-five (45) days of the filing of any opposition and shall be limited to twenty-five (25) pages

9. Plaintiffs agree that by entering into this stipulation or acting in conformance with its terms, Defendants have not waived or acted in any way inconsistent with any right, remedy, defense, objection or legal argument.

10. The Initial Pretrial Conference scheduled for September 16, 2020 at 3:30 p.m. will remain on calendar.

IT IS SO STIPULATED.

Dated: May 14, 2020

**Counsel for Defendants
General Electric Company
and Canon Business Process
Services, Inc.**

/s/ Debra E. Schreck

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IT IS SO ORDERED:

DATED: May 15, 2020
New York, New York



UNITED STATES DISTRICT JUDGE